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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,669	05/19/2005	Shinnosuke Torii	03500.018238	7661
5514	7590	08/15/2007	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			AGUSTIN, PETER VINCENT	
ART UNIT	PAPER NUMBER			
	2627			
MAIL DATE	DELIVERY MODE			
08/15/2007	PAPER			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/535,669	TORII, SHINNO SUKE
	Examiner	Art Unit
	P. Agustin	2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 August 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 3 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 August 2007 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. This application is a 371 of PCT/JP04/09382, filed June 25, 2004.
2. Claim 3 is currently pending.

Drawings

3. Replacement drawings for Figures 5A-5C & 8A-8C were received on August 2, 2007.

These drawings are acceptable.

Specification

4. The disclosure is objected to because of the following informalities:

Page 3, line 15: "pickup 25" should be --pickup 24-- (note that 25 is an objective lens).

Appropriate correction is required.

Claim Objections

5. Claim 3 is objected to because of the following informalities:

Claim 3, line 3: "in the disc cartridge" should be --in a disc cartridge--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto (JP 04-141830).

In regard to claim 3, Okamoto discloses an information recording/reproducing device (see Figures 6-8) for at least one of recording information on and reproducing information from a disc-like recording medium (Figures 4 & 5, element 18) housed in the disc cartridge (17), with the disc cartridge comprising a case main body (35) having a housing part for housing the recording medium, an aperture (40) that allows a light beam to enter from an optical pickup (see title) that is provided to at least one principle plane of the case main body, a thin bridge part (34) provided to the aperture, which is thinner than a cartridge case (as shown), and a shutter (36) for opening and closing the aperture, wherein the thin bridge part is disposed at a position farther from the optical pickup than a surface of the recording medium (as shown) which is on a side to be irradiated with the light beam in a state in which the disc cartridge is mounted to an information recording/reproducing device (see Figure 7), the information recording/reproducing device comprising: a turntable (inherent component where recording medium is to be mounted) for rotating the recording medium; an optical pickup (see Figure 6, title) that emits a light beam to the recording medium so as to at least one of record and reproduce the information, and which moves to/retracts from the aperture of the disc cartridge; a mechanism (inherent component that moves the optical pickup) for moving the optical pickup in an in-plane direction of the recording medium, and an objective lens (23), wherein in at least one of a case where the recording medium is to be mounted to the turntable together with the disc cartridge, and a case where the recording medium is to be removed from the turntable together with the disc cartridge, the objective lens is retracted into a position opposite to the thin bridge part of the disc cartridge (see abstract: “loading/unloading of a cartridge”, “vertically moves the objective lens”, “the objective lens is fixed in a direction getting far from the optical disk”).

Response to Arguments

8. Applicant's arguments with respect to claim 3 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to P. Agustin whose telephone number is 571-272-7567. The examiner can normally be reached on Monday-Thursday 8:30-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. Agustin/
Art Unit 2627

/William R. Korzuch/
SPE, Art Unit 2627